

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: E.I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION**

**Case No. 2:13-md-2433
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth P. Deavers**

This document relates to:

*Larry Ogle Moody v. E. I. du Pont de Nemours
and Company, Case No. 2:15-cv-803*

DISPOSITIVE MOTIONS ORDER NO. 28

Defendant's Motion for Summary Judgment Related to Specific Causation

This matter is before the Court on Defendant's Motion for Summary Judgment Based on Specific Causation (ECF No. 4786), Plaintiff's Memorandum in Opposition to Defendant's Motion (ECF No. 4818), and Defendant's Reply in Support of its Motion (ECF No. 4844).

In its Motion, Defendant E.I. Du Pont de Nemours and Company ("DuPont") argues that it is entitled to summary judgment on Plaintiff Larry Ogle Moody's negligence claim because (1) the proffered expert opinion of his sole specific causation expert, Robert Bahnsen M.D., F.A.C.S., is inadmissible in its entirety, and (2) even if it were not, for a variety of reasons related to the applicable standards, Mr. Moody still cannot meet his burden to show that his testicular cancer more likely than not resulted from C-8.

This Court has considered and rejected DuPont's first argument in its Evidentiary Motions Order No. ("EMO") 22. (ECF No. 4999.) In EMO 22, the Court concluded that Dr.

Bahnsen's specific causation report and testimony constitute relevant, reliable, and admissible evidence.

As to DuPont's second group of arguments, the Court has analyzed them in depth in Dispositive Motions Order No. ("DMO") 21 and DMO 21-A, concluding that the admissible expert testimony of a specific causation expert met the standards. (DMO 21 and 21-A, Def.'s Mot. for Summ. J. Related to Specific Causation in *Kenneth Vigneron, Sr. v. E. I. du Pont de Nemours and Company*, Case No. 2:13-CV-136, ECF Nos. 4810, 4833.) The same type of evidence is offered here by Mr. Moody. Thus, the Court incorporates DMO 21 and DMO 21-A, and for the same reasons stated therein finds the evidence offered by Mr. Moody sufficient to raise genuine issues for trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986); Fed. R. Civ. P. 56(e).

Accordingly, the Court **DENIES** Defendant's Motion for Summary Judgment Based on Specific Causation. (ECF No. 4786.)

IT IS SO ORDERED.

1-13-2017

DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE